

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

HOLLY M. FLEMING,

Defendant.

8:22-CR-59

**PRELIMINARY ORDER OF
FORFEITURE**

This matter is before the Court upon the Government's Motion for Preliminary Order of Forfeiture. [Filing 104](#). The Court has reviewed the record in this case and, being duly advised in the premises, finds as follows:

1. On August 21, 2023, the Court held a change of plea hearing and the defendant, Holly M. Fleming, entered a plea of guilty to Counts I and IV and admitted to the Forfeiture Allegation of the Superseding Indictment. [Filing 101](#). Count I charges the defendant with conspiracy to distribute and possession with intent to distribute methamphetamine, in violation of [21 U.S.C. § 846](#). Count IV charges possession of a firearm in furtherance of a drug trafficking crime, in violation of [18 U.S.C. § 924\(c\)\(1\)\(A\)](#);
2. The Forfeiture Allegation charged the Defendant with using the seized money to facilitate the commission of the offense and/or was derived from proceeds obtained directly or indirectly as a result of the commission of the offense;

3. By virtue of said plea of guilty, the defendant has forfeited her interest in the \$16,563.76 in United States currency. Accordingly, the United States should be entitled to possession of said currency pursuant to [21 U.S.C. § 853](#); and

4. The Government's Motion for Preliminary Order of Forfeiture should be granted. Accordingly,

IT IS ORDERED:

1. The Government's Motion for Preliminary Order of Forfeiture, [Filing 104](#), is granted;

2. Based upon the Forfeiture Allegation of the Superseding Indictment and the plea of guilty, the Government is hereby authorized to seize the \$16,563.76 in United States currency;

3. Defendant's interest in the \$16,563.76 in United States currency is hereby forfeited to the Government for disposition in accordance with the law, subject to the provisions of [21 U.S.C. § 853\(n\)\(1\)](#);

4. The \$16,563.76 in United States currency is to be held by the Government in its secure custody and control;

5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the Government shall publish for at least thirty consecutive days on an official internet government forfeiture site, www.forfeiture.gov., notice of this Preliminary Order of Forfeiture, notice of publication evidencing the government's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal

interest in any of the subject property must file a Petition with the Court within thirty days of the final publication of notice or of receipt of actual notice, whichever is earlier;

6. The published notice shall state the Petition referred to in Paragraph 5, above, shall be for a hearing to adjudicate the validity of the Petitioner's interest in the \$16,563.76 in United States currency, shall be signed by the Petitioner under penalty of perjury, and shall set forth the nature and extent of the Petitioner's right, title, or interest in the \$16,563.76 in United States currency and any additional facts supporting the Petitioner's claim and the relief sought;

7. The Government may also, to the extent practicable, provide direct written notice to any person known to have an interest in the \$16,563.76 in United States currency as a substitute for published notice as to those persons so notified; and

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 13th day of September, 2023.

BY THE COURT:



Brian C. Buescher
United States District Judge